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12 United States of America

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14 IN THE UNITED STATES DISTRICT COURT  
15 EASTERN DISTRICT OF CALIFORNIA

16  
17 UNITED STATES OF AMERICA,  
18 Plaintiff,  
19 v.  
20 DORIAN MICHAEL WILLES,  
21 Defendant.

22 CASE NO. 2:21-CR-00110-JAM

23 **STIPULATION REGARDING EXCLUDABLE  
24 TIME PERIODS UNDER SPEEDY TRIAL ACT;  
25 FINDINGS AND ORDER**

26 DATE: June 21, 2021  
27 TIME: 2:00 p.m.  
28 COURT: Hon. Carolyn K. Delaney

29  
30 **STIPULATION**

31 Plaintiff United States of America, by and through its counsel of record, and defendant, by and  
32 through defendant's counsel of record, hereby stipulate as follows:

33 1. By previous order, this matter was set for status on June 21, 2021.  
34 2. By this stipulation, defendant now moves to continue the status conference until **June 29,**  
35 **2021, at 2:00 p.m.**, and to exclude time between June 21, 2021, and June 29, 2021, under Local Code  
36 T4.

37 3. The parties agree and stipulate, and request that the Court find the following:  
38 a) The defendant previously made an appearance in the United States Court for the  
39 District of Idaho.  
40 b) A grand jury returned an indictment in this case on June 10, 2021. ECF No. 14.  
41 c) The defendant's initial appearance and arraignment in the Eastern District of

1 California was originally scheduled to be June 18, 2021.

2 d) On June 17, 2021, President Joseph R. Biden, Jr. signed legislation establishing  
3 Juneteenth as a Federal Holiday (“the Juneteenth National Independence Day Act”). As  
4 Juneteenth fell on a Saturday, the holiday was observed – and federal employees were given the  
5 day off – on June 18, 2021. U.S. Courts were accordingly closed and this matter was continued  
6 by minute order to June 21, 2021. ECF No. 19.

7 e) Counsel for the defendant Chris Cosca is unavailable on June 21, 2021 given a  
8 pre-planned vacation. He is accordingly requesting a continuance of Mr. Willes’s initial  
9 appearance and arraignment.

10 f) The government does not object to the continuance.

11 g) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161,  
12 et seq., the “the 70–day period commences only on the date when the defendant is brought before  
13 a ‘judicial officer of the court in which the matter is pending,’ assuming that, as here, the  
14 indictment predates the initial appearance. *United States v. Palomba*, 31 F.3d 1456, 1462 (9th  
15 Cir. 1994) (quoting 18 U.S.C. § 3161(c)). Accordingly, the parties agree that no stipulations  
16 with regard to the Speedy Trial Act need to be entered into, and the Speedy Trial Clock will  
17 commence with the defendant’s appearance on June 29, 2021.

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2       4. Nothing in this stipulation and order shall preclude a finding that other provisions of the  
3 Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial  
4 must commence.

5       IT IS SO STIPULATED.

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7       Dated: June 21, 2021

PHILLIP A. TALBERT  
Acting United States Attorney

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9       \_\_\_\_\_  
10      /s/ Michael W. Redding  
11      Michael W. Redding  
12      Assistant United States Attorney

13       Dated: June 21, 2021

14       \_\_\_\_\_  
15      /s/ Chris Cosca  
16      Chris Cosca  
17      Counsel for Defendant  
18      DORIAN Michael WILLES

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20       **FINDINGS AND ORDER**

21       IT IS SO FOUND AND ORDERED

22       Dated: June 21, 2021

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25      CAROLYN K. DELANEY  
26      UNITED STATES MAGISTRATE JUDGE